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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 21.07.2023

W.P.(C) 3159/2022, CM APPL. 9182/2022 (for interim relief) & CM APPL. 30663/2022 (condonation of delay in filing the counter-affidavit)

BAJRANG MANIK KALE

..... Petitioner

Versus

NEW DELHI MUNICIPAL COUNCIL AND ORS.... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Bibhuti Bhushan Mishra, Mr. Kamlesh Kumar Mishra, Mr. Aditya, Mr. Kailash and Mr. Anjani Mishra, Advocates.

For the Respondents : Mr. Sri Harsha Peechara, ASC along with Ms. Harshita Gupta and Mr. Shubham Kumar Mishra, Advocates for R-1/NDMC.
Mr. Anupam Srivastava, ASC along with Mr. Vasuh Misra, Advocate for R-2, R-4 & R-5.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE ANISH DAYAL

J U D G M E N T

SIDDHARTH MRIDUL, J. (OPEN COURT)



1. The present writ petition under Article 226 of the Constitution of India, 1950, has been instituted on behalf of the petitioner, praying as follows:-

“In the above-mentioned facts and circumstances, it is most respectfully prayed that this Hon’ble Court may be pleased to:

1. Pass an order directing the respondents to ensure that the petitioner who street vendor, selling toys on street, Block A, Wengers Front, Connaught place is allowed to vend peacefully without any illegal interference.

2. Pass an order directing the respondents start and complete the survey of the street vendors in the NDMC area as mandated under the Street Vendors (protection of Livelihood and regulation of street vending) Act 2014 as also as mandated under, The Delhi Street Vendors (Protection of Livelihood and regulation of Street vending) Rules 2017 & The Government of National Capital Territory of Delhi Street Vendors (Protection of Livelihood and regulation of Street vending) Scheme 2019.

3. Pass an order directing the respondents not to dispossess or evict or disturb the petitioner from his site of vending at Block A, Banger’s front till the certificate or license is granted to the petitioner as per Section 3 of the street vendor (protection of livelihood and regulation) act 2014.

4. Issue a writ, order or direction directing the respondents to protect the petitioner from eviction by the respondents from his site of squatting/vending as per the mandate of the street vendor (protection of livelihood and regulation) act 2014.

5. Pass an order directing the concerned authorities to take appropriate legal action against



the illegal seizure of items and eviction caused to the petitioner.

6. Pass any such directions or order that this Hon'ble court deems fit and proper in the facts and circumstances of the abovementioned case.”

2. Mr. Bibhuti Bhushan Mishra, learned counsel appearing on behalf of the petitioner, limits the relief in the present petition, to a direction to the duly constituted Town Vending Committee (TVC), to conduct the survey, in accordance with the Street Vendors (Protection of Livelihood and Regulation of Street Vending Act, 2014, the Delhi Street Vendors (protection of Livelihood and Regulation of Street Vending) Rules, 2017 and The Government of National Capital Territory of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019, as expeditiously as possible.

3. This Court *vide* order dated **16.02.2023**, passed in **W.P.(C) 12459/2022**, titled as '**Bacchu Singh Paharia vs. New Delhi Municipal Council & Anr.** ', directed as follows:-

“The present writ petition under Article 226 of the Constitution of India, has been instituted on behalf of the petitioner, praying as follows:

“It is therefore, most respectfully prayed that this Hon 'ble Court may be pleased to:-



- a) *Direct the Respondent no. 1 and 2 allow the petitioner to operate at his given vending site i.e. Near Shop No.36, Sarojini Nagar Market New Delhi till the final decision taken by the Town Vending Committee after completion of Survey.*
- b) *Issue a Writ, Order or Direction in the nature of Pass such other or further orders, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."*

Mr. Gautam Narayan, learned Additional Standing Counsel (Civil) appearing on behalf of the GNCTD states that the survey to be conducted by the duly constituted Town Vending Committee, shall commence forthwith, in accordance with the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street vending) Act 2014, as well as the Delhi Street Vendors (Protection of livelihood and regulation of street vending) Rules, 2017 and The Government of National Capital territory of Delhi Street Vendors (Protection of livelihood and regulation of street vending) Scheme, 2019.

Mr. Sri Harsha Peechara, learned Additional Standing Counsel appearing on behalf of NDMC states, that they shall render assistance, as may be required by the GNCTD, in this behalf.

Directed accordingly.

No further relief is prayed for.

With the above directions, the writ petition is disposed of accordingly. Pending applications also stand disposed of.

Copy of the order be given dasti to learned counsel appearing on behalf of the parties."



4. Having regard to the facts and circumstances attendant and antecedent, in relation to the present writ petition and having heard learned counsel appearing on behalf of the parties; we dispose of the present writ petition, with a direction to the duly constituted Town Vending Committee (TVC), to consider the case of the petitioner, at the time the former carries out the survey, in accordance with law.
5. No further relief is prayed for.
6. The writ petition is disposed of accordingly. The pending applications stand disposed of accordingly.
7. A copy of this judgment be uploaded on the website of this Court.

**SIDDHARTH MRIDUL
(JUDGE)**

**ANISH DAYAL
(JUDGE)**

JULY 21, 2023/rs

[Click here to check corrigendum, if any](#)